

1
2
3
4
5 **IN THE UNITED STATES DISTRICT COURT**
6 **WESTERN DISTRICT OF WASHINGTON**
7

8 **JAY SCHUYLEMAN,**
9 an Individual

10 Plaintiff,

11 vs.

12 **BARNHART CRANE AND RIGGING**
13 **CO.,**
14 a State of Delaware Corporation

15 **BARNHART CRANE AND RIGGING,**
16 **LLC**
17 a State of Delaware Limited Liability
Company

18 **UNKNOWN CORPORATION/LLC 1-**
19 **25**

20 Defendants.

Civil Action No.:

COMPLAINT

PATENT INFRINGEMENT

- **JURY TRIAL DEMANDED**

21 COMES NOW the Plaintiff, Jay Schuyleman, an individual, by and through his
22 undersigned attorney, and for this Complaint alleges as follows:
23

24 **I. PARTIES**

25 1. Plaintiff Jay Schuyleman (hereinafter "SCHUYLEMAN") is an individual
26 residing in the State of Washington, county of King.

COMPLAINT

Page 1

Tom Hendrickson
SEATTLE PATENT GROUP
4020 148TH Ave NE, Suite D
REDMOND, WASHINGTON 98052
TELEPHONE (425) 202-7969
tom@seattlepatentgroup.com

2. Defendant Barnhart Crane and Rigging Co. (hereinafter “BARNHART CO.”) is a corporation organized under the laws of the state of Delaware with a principal place of business listed as 2163 Airways Blvd.; Memphis, TN 38114.
3. Defendant Barnhart Crane and Rigging Co. (hereinafter “BARNHART LLC”) is a corporation organized under the laws of the state of Delaware with a principal place of business listed as 2163 Airways Blvd.; Memphis, TN 38114.
4. It is believed that both Barnhart Co. and Barnhart LLC are controlled by the same individuals, and thus may be treated as one entity for the purposes of this lawsuit, so hereinafter will be referred to as “BARNHART.”
5. According to their website, Barnhart has “[M]ore than 50 locations throughout the nation.” Two of these locations, Kent and Mt. Vernon, are located within this judicial district. <https://www.barnhartcrane.com/locations/> - Last accessed on March 7, 2023.
6. Unknown Corporation and/or Limited Liability Company Numbers 1 – 25. Plaintiff Schuyleman has reason to believe that Defendants rented, sold, or otherwise distributed to one or more unknown corporations and/or Limited Liability Companies products that infringe Plaintiff’s patents. It is believed that through the discovery process the identity of these unknown companies will come to light, and Plaintiff expects to serve these individuals/corporations with a summons and complaint. Once Plaintiff ascertains their identities, Plaintiff will seek leave of the Court to amend the Complaint to include Defendants Unknown Corporation/LLC 1 through 25 as named defendants.

II. NATURE OF THE ACTION

7. Schuyleman has invented novel devices, systems, and methods related to a hoisting apparatus, more particularly to an apparatus for use with a crane in positioning an object at a desired distance inside an opening of a building, and was awarded a Patent by the U.S. Patent and Trademark Office (“USPTO”), namely U.S. Patent No. 8,317,244 (the “244 Patent”). See Exhibit-A.

8. Schuyleman retains all rights to said invention.
9. This is an action for patent infringement. Defendants are infringing the claims of the ‘244 Patent by making, using, selling, offering to sell, and importing into the U.S. products and services through its website at <https://www.barnhartcrane.com/> and through its offices located throughout the United States that infringe the claims of the ‘244 Patent in violation of Schuyleman’s intellectual property rights. Exhibit-A, which is attached to this Complaint, is a copy of the ‘244 Patent and is incorporated herein as if fully rewritten.

III. JURISDICTION AND VENUE

10. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C § 1, et. seq. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).
11. This Court has personal jurisdiction over Defendants because of their systematic and continuous contacts within the State of Washington. For example, Barnhart has equipment rental locations in both Kent, Washington, and Mt. Vernon, Washington. The Kent office is located at 7625 S. 228th Street; Kent, WA 98032; while the Mt. Vernon office is located at 1021 Sickelsteel Lane; Mt. Vernon, WA 98274. Barnhart has specifically directed their business activities of renting construction equipment to Washington State.
12. Barnhart has also purposefully availed itself of the benefits and protections of the courts in Washington.
13. Venue is also proper as to all Defendants in this District under 28 U.S.C. § 1400(b). Barnhart has regular and established places of business in this District, including Barnhart’s facilities located at 7625 S. 228th Street; Kent, WA 98032; and 1021 Sickelsteel Lane; Mt. Vernon, WA 98274. Defendants have committed acts of infringement and, upon information and belief, will commit further acts of infringement in Washington.

IV. COMMON ALLEGATIONS

14. Schuyleman has invented novel devices, systems, and methods related to a hoisting apparatus, more particularly to an apparatus for use with a crane in positioning an object at a desired distance inside an opening of a building.
15. Schuyleman has obtained intellectual property protection of his invention in the U.S. by the ‘244 Patent.
16. To this date, Schuyleman has not licensed the ‘244 patent to any person, corporation, or other entity, and thus retains all exclusive rights to said patent.
17. Plaintiff has complied with the statutory requirement of placing a notice of the Letters Patent on all hoisting apparatuses that it manufactures and sells.
18. On December 9, 2022, Plaintiff sent Defendants a letter providing notice to Defendant of Defendant’s infringement of the ‘244 Patent. See Exhibit-B.
19. Defendant had prior knowledge, should have known, or at least been willfully blind of the ‘244 Patent as early as December 9, 2022, if not earlier from other sources or parties.
20. Defendant has two established places of business in this district where they rent construction equipment. The Kent office is located at 7625 S. 228th Street; Kent, WA 98032; while the Mt. Vernon office is located at 1021 Sickelsteel Lane; Mt. Vernon, WA 98274. Barnhart has specifically directed their business activities to Washington State.
21. Defendant has conducted substantial portions of its business through said regular and established places of business in this District and has made, used, offered, and sold and continues to make, use, offer, and sell its infringing products and services in this District.

V. COUNT I – INFRINGEMENT OF THE ‘244 PATENT

22. Plaintiff repeats and realleges the allegations contained in paragraphs I through III as if fully set forth herein.

1 23. Upon information and belief, Defendants have directly infringed and continue to
2 directly infringe one or more of the claims of the '244 patent, either directly or
3 under the doctrine of equivalents, by making, using, selling, offering for sale,
4 and/or importing a "hoisting apparatus" (hereinafter "Accused Product") in the
5 United States and this District without authority, in violation of 35 U.S.C. §
6 271(a), (b), (c) and/or (f); and or contributing to and/or inducing others to do the
7 same. See Exhibit-A.

8 **VI. COUNT II – VIOLATION OF THE WASHINGTON STATE**
9 **CONSUMER PROTECTION ACT, RCW 19.86, et seq.**

10 24. Plaintiffs repeat and reallege the allegations contained in paragraphs I through VI
11 as if fully set forth herein.

12 25. On information and belief, Defendant has used in commerce, without
13 authorization from Scyuyleman, '244 patent in connection with the marketing,
14 advertising, promotion, and sale of their services.

15 26. Defendant's use of the '244 patent is likely to cause confusion, to cause mistake,
16 and/or to deceive as to the source or origin of Defendant's goods or services.

17 27. Defendant's actions in the State of Washington constitute unfair competition
18 under the Common Law of Washington and are therefore unfair or deceptive
(misleading).

19 28. The public interest is affected by Defendants' continued and repeated deceptive
20 conduct.

21 29. Plaintiff has been irreparably injured and will continue to be irreparably injured
22 unless the conduct of Defendant in the State of Washington is preliminarily and
23 permanently enjoined.

24 30. Upon information and belief, Defendant undertook the use of the '244 patent
25 willfully or with reckless intention of trading upon the good will of Plaintiff.
26

VII. RELIEF REQUESTED

WHEREFORE Plaintiff Jay Schuyleman respectfully requests that this court enter a judgment that:

A. Finds Defendant has infringed Schuyleman '244 Patent, registered on November 27th, 2012 in violation of 35 U.S.C. § 271(a), (b), (c) and/or (f); and or contributing to and/or inducing others to do the same;

B. Enter a preliminary and permanent injunction prohibiting Barnhart Crane, its subsidiaries, divisions, agents, servants, employees, and all those acting in concert with and/or who are in privity with Barnhart Crane and/or any of the foregoing from infringing, contributing to the infringement of, and/or inducing infringement of the Patent in Suit, and for all further proper injunctive relief;

C. An award to Plaintiff Schuyleman of at least \$1,500,000.00 as a Royalty Fee, and a License Fee of \$375,000.00, for a total of \$1,875,000.00 in damages for Barnhart Crane's infringement of Plaintiff's Patent on the use of their Mini MOCC's, with pre-judgment and post-judgment interest, damages, as well as enhanced damages, including costs (including expert fees), disbursements, and reasonable attorney's fees incurred by Plaintiff in this action, pursuant to 35 U.S.C. §§ 284-285, finding this to be an "exceptional" case;

D. An award to Plaintiff Schuyleman of at least \$1,350,000.00 as a Royalty Fee, and a License Fee of \$750,000.00, for a total of \$2,100,000.00 in damages for Barnhart Crane's infringement of Plaintiff's Patent on the use of their Standard MOCC's, with pre-judgment and post-judgment interest, damages, as well as enhanced damages, including costs (including expert fees), disbursements, and reasonable attorney's fees incurred by Plaintiff in this action, pursuant to 35 U.S.C. §§ 284-285, finding this to be an "exceptional" case;

E. An award to Plaintiff Schuyleman of at least \$600,000.00 as a Royalty Fee, and a License Fee of \$660,000.00, for a total of \$1,260,000.00 in damages for Barnhart Crane's infringement of Plaintiff's Patent on the use of their Mega MOCC's, with pre-judgment and post-judgment interest, damages, as well as enhanced damages, including costs

1 (including expert fees), disbursements, and reasonable attorney's fees incurred by
2 Plaintiff in this action, pursuant to 35 U.S.C. §§ 284-285, finding this to be an
3 "exceptional" case;

4 F. Awards to Plaintiff Schuyleman treble damages and attorney's fees as allowed by
5 RCW 19.86.090.

6
7 DATED this 11th day of April, 2023.

8
9 Respectfully submitted,

10
11 By /s/ Tom Hendrickson

12 TOM HENDRICKSON, WSBA# 41832
13 Attorney for the Plaintiffs
14 SEATTLE PATENT GROUP
15 4020 148th Ave NE, Suite D
16 Redmond, WA 98052
17 (425) 202-7969
18 Tom Cell: (253) 256-2091
19 tom@seattlepatentgroup.com

JURY TRIAL DEMANDED

Plaintiff Jay Schuyleman demands a jury trial on all issues so triable.

DATED this 11th day of April, 2023.

Respectfully submitted,

By /s/ Tom Hendrickson

TOM HENDRICKSON, WSBA# 41832

Attorney for the Plaintiffs

SEATTLE PATENT GROUP

4020 148th Ave NE, Suite D

Redmond, WA 98052

(425) 202-7969

Tom Cell: (253) 256-2091

tom@seattlepatentgroup.com